GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Commercial Taxes Department – Surprise Check conducted on the Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District on 03-06-2016 – Allegations of Corruption – Initiaiton of disciplinary proceedings against Sri Ande Santharam, DCTO/Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges– Issued.

REVENUE (VIGILANCE – II) DEPARTMENT

G.O.Rt.No.309 **Dated:02-03-2020**

Read the following:

1. From DG, ACB, Lr.Rc.No.79/DCS-VGT/2014-S.17, dt:20-03-2017.
2. G.O.Ms.No.69, Revenue (Vig.II) Department, dt.02-03-2020.

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O R D E R :

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the reference 2nd read above, it is considered necessary to hold an enquiry against Sri Ande Santharam, DCTO/Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District in accordance with the procedure laid down in Rule 20 of the said rules.

2. The substance of the imputation of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputation of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III & IV).

3. Sri Ande Santharam, DCTO/Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District is directed to submit within ten days of the receipt of this order a written statement of his defense.

4. He is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Ande Santharam, DCTO/Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District is further informed that if he does not submit his written statement of defense on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Ande Santharam, DCTO/Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another

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person in respect of any matter dealt with in these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To

Sri Ande Santharam, DCTO/Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur District (w.e, Annexures-I to IV) **through** the Chief Commissioner of State Tax, Andhra Pradesh, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government)

Copy to

The Chief Commissioner of State Tax, Andhra Pradesh, Eeedpugallu, Vijayawada.

The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, Velagapudi.

The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administration Block, 2nd Floor, Andhra Pradesh, Vijayawada.

The Deputy Commissioner, Commercial Taxes, Guntur District.

SF / SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGES FRAMED AGAINST SRI ANDE SANTHARAM S/O PUNNAIAH, DEPUTY COMMERCIAL TAX OFFICER/ ADMINISTRATIVE OFFICER OF BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGULA, GUNTUR DISTRICT.

That Sri Ande Santharam, S/o Punnaiah, has joined in Government Service on 23-12-1992 as Junior Steno and worked in the O/o. CCT, Hyderabad, A.P. from 23-12-1992 to 07-02-1996. Later he was promoted as Senior Steno and worked in the O/o. CCT, Hyderabad, A.P. from 08-02-1996 to 28-03-2001. Subsequently promoted as ACTO and worked in the O/o. CTO, Patnam Bazar, Guntur from 29-03-2001 to 14-07-2004, at O/o. CTO, Main Bazar, Guntur from 15-07-2004 to 01-06-2007 and at O/o. CTO, Ghandi Chowk, Tenali from 06-06-2007 to 07-11- 2007. Later he was promoted as DCTO and worked at O/o. CTO No.1 Circle, Ongole, Prakasam District from 08-11-2007 to 17-08-2009, at O/o. CTO, Gandhi Chowk, Tenali from 17-08-2009 to 21-06-2012, at O/o. CTO, Patnam Bazar, Guntur from 21- 06-2012 to 23-06-2016 and working at O/o. CTO, Chilakaluripet Circle, Guntur-II Division, Guntur since 24-06-2016. He was deputed to Boarder Check Post of Commercial Taxes, Pondugala (V), Guntur District as Administrative Officer on 23- 05-2016. While working as Administrative Officer at Boarder Check Post of Commercial Taxes, Pondugala (V), Guntur District from 23-05-2016 to 03-06-2016, he committed grave misconduct in as much as

Charge:

Being a Administrative Officer and overall incharge of Boarder Check Post of Commercial Taxes, Pondugula, he was failed to properly supervise his Sub-Ordinate staff and take steps to curb the corrupt activities of the staff of check post. Due to which the staff indulged in corrupt activities. So he has failed to maintain absolute integrity, devotion to duty, conduct unbecoming of Government servant.

Thus, Sri Ande Santharam, Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Guntur District by his above-mentioned acts, has exhibited lack of integrity, devotion to duty and conducts unbecoming Member of State Government Service and thereby violated Rule 3 (1) (2) & (5) of A.P.C.S (conduct) Rules 1964.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OF MISBEHAVOUR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI ANDE SANTHARAM, S/O. PUNNAIAH, DEPUTY COMMERCIAL TAX OFFICER/ ADMINISTRATIVE OFFICER OF BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGULA, GUNTUR DISTRICT.

That Sri Ande Santharam s/o Punnaiah, Administrative Officer is a native of Akkala Kotaiah Vari Street, Perala Post, Chirala Mandal, Prakasam District. His date of birth is 04-08-1963 and he joined the Government Service on 23-12-1992 as Junior Steno and worked in the O/o. CCT, Hyderabad, A.P. from 23-12-1992 to 07-02-1996. Later he was promoted as Senior Steno and worked in the O/o. CCT, Hyderabad, A.P. from 08-02-1996 to 28-03-2001. Subsequently promoted as ACTO and worked in the O/o. CTO, Patnam Bazar, Guntur from 29-03-2001 to 14-07-2004, at O/o. CTO, Main Bazar, Guntur from 15-07-2004 to 01-06-2007 and at O/o. CTO, Ghandi Chowk, Tenali from 06-06-2007 to 07-11-2007. Later he was promoted as DCTO and worked at O/o. CTO No.1 Circle, Ongole, Prakasam District from 08-11- 2007 to 17-08-2009, at O/o. CTO, Gandhi Chowk, Tenali from 17-08-2009 to 21-06- 2012, at O/o. CTO, Patnam Bazar, Guntur from 21-06-2012 to 23-06-2016 and working at O/o. CTO, Chilakaluripet Circle, Guntur-II Division, Guntur since 24-06- 2016. He was deputed to Boarder Check Post of Commercial Taxes, Pondugala (V), Guntur District as Administrative Officer on 23-05-2016. While working as Administrative Officer at Boarder Check Post of Commercial Taxes, Pondugala (V), Guntur District from 23-05-2016 to 03-06-2016, he is drawing basic pay of Rs.51,230/- in the time scale pay of Rs.35120 - 87130/-. His date of attaining superannuation is 31-08-2023. He is here in after referred to as Government Servant.

FACTS IN EVIDENCE:

On credible information that the officials of Commercial Tax Department of Boarder Check Post of Commercial Tax Department at Pondugula Village, Dachepalli Mandal, Guntur District on Addanki-Narkatpalli State High Way were collecting bribes from the Drivers/Owners of Transport Goods Vehicles, the Deputy Supdt., of Police, Anti-Corruption Bureau, Guntur District organized a Surprise Check on the said check post along with his staff in the presence of two mediators on 03-06-2016 from 21.00 hrs to 04.00hrs on 04-06-2016.

While proceeding to Check Post, the DSP informed to the Administrative Officer of the Check Post over phone that to be present at the Check Post. After the Surprise check party and mediators took vantage positions in and around the said Boarder Check Post and watched the activities of the staff and noticed that one person is stopping transport goods vehicles by whistling, taking away the drivers/cleaners of the transport goods vehicles to inside of the check post and in turn staff of check post who are 6 in number collecting some money from them even without verifying records. When some of the drivers/cleaners of the transport goods vehicle are denying to pay money to the staff, the staff are forced them to pay the amounts otherwise they will impose compounding fees. At 9 p.m. the DSP, and the surprise check party surprised the check post. one ACTO, 2 Sr. Assts., 3 Junior Assistants and one office subordinate and 6 transport vehicle driver inside the check post. Then the DSP introduced himself, mediators and other members of surprise check party to the occupants of the check post and explained them about purpose of our surprise of the check post. Further the DSP also ascertained the identity of the occupants of the check post as; (1) Sri Pasala Smithner, ACTO, (2) Sri Lebakula Srinivasulu, Senior Assistant, (3) Sri Penudi Raghavulu, Senior Assistant, (4) Sri Thota Venkateswarlu, Junior Assistant, (5) Sri Dasari Venkata Suresh Kumar, Junior Assistant, (6) Sri Palisetty Veereswara

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Rao, Junior Assistant and (7) Sri Chodavarapu Venkateswarlu, Office subordinate, Commercial Taxes Boarder Check Post, Pondugula, Dachepalli Mandal, Guntur District.

Then the DSP got searched the staff of the check post by mediators and found the following amounts with them in their shirts and pant pockets which are noted against each i.e. (1) Sri P. Smithner, ACTO .. Rs. 390/-; (2) Sri L. Srinivasulu, Sr. Asst.. Rs.180/-, (3) Sri P. Raghavulu, Sr. Asst... Rs.450/-; (4) Sri T.Venkateswarlu, Jr.Asst... Rs.140/-; (5) Sri D.V.Suresh Kumar, Jr.Asst... Rs.80/ -; (6) Sri P. Veereswara Rao, Jr.Asst... Rs.220/- and (7) Sri Ch. Venkateswarlu, Office Subordinate .. Rs.140/-.

Then the DSP asked the above staff of the check post about the presence of the above amount in their possession; then they stated that the said amount is their personal amount, but they did not show them in the Personal Cash Register since they report at check post just one hour ago and verifying the all the handed over records.

Then the DSP asked the ACTO Sri P. Smithner about the personal cash Register and that he produced the Personal Cash Register that has been maintaining in the check post.

On perusal of the register it is found that the staff of this shift did not enter the particulars of the personal cash in the register.

On perusal, of the register it is found that the present shift personal cash particulars were not entered in the Register. The register has 354 sheets. At sheet No. 13 the particulars of 8 am to 8 pm shift staff were entered. According to Personal Cash Register, personal cash for the staff of the present shift personnel did not enter particulars of personal cash in the register.

Meanwhile, the Administrative Officer of the check post by name Sri Ande Santha Ram, S/o. Punnaiah, Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugula, Dachepalli Mandal, Guntur district attended before the DSP.

The original Personal Cash Register was seized by the DSP for further enquiry duly attested by the DSP as well as mediators.

Thereafter the DSP got searched the premises of Check post in the presence of mediators and Administrative Officer of check post. During search, the following amounts were found with the following staff at their respective tables' desks and dust bins i.e. (1) Sri P. Smithner, ACTO .... Rs, 9,500/- (from table desk); (2) Sri L. Srinivasulu, Sr. Asst.... Rs.2,600/-(from table desk); (3) Sri P. Raghavulu, Sr. Asst., ... Rs. 2,400/- (from plastic dust bin); (4) Sri T. Venkateswarlu, Jr. Asst., ... Rs. 1,960/- (from plastic dust bin); (5) Sri D.V. Suresh Kumar, Jr. Asst., ... Rs.1,840/- (from table desk); (6) Sri Veereswara Rao, Jr. Asst., ... Rs.1,700/- (from table desk) and (7) Sri Ch. Venkateswarlu, Office Subordinate.... Rs. 550/- (at his feet).

Then the DSP, ACB questioned the above staff about the presence of the above said cash in their respective tables' desks and dust bins they did not give any valid reasons and kept silent. Since the above amounts found unaccountable and the staff did not give any valid reasons for those amounts, the above total amount of Rs. 20,550/- was seized suspecting that the amounts were collected in the form of mamools, by them from the drivers/cleaners of the transport goods vehicles, for the purpose of further enquiry.

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On examination of the 6 transport goods drivers, they stated that the check post staff are collecting Rs. 150/- each for stamping on transit pass. Further check post staff demanding money from other lorry drivers. They further said that on 03- 06-2016 at about 9 p.m., their vehicles were stopped by check post staff and demanding money. Mean while ACB authorities surprised the check post.

Then the DSP verified the Attendance Register of the staff. As per the register on 03.06.2016 from 8 pm to 8 am on 04.06.2016 shift 1 ACTO, 2 Sr. Assts, 3 Jr. Assts., and 1 office subordinate are present. 1 ACTO, 1 Jr. Asst. and 1 Office subordinate are shown on leave.

The GS stated that Check post staff are empowered to collect only tax, penalty and C-fees on defective document vehicles. He further stated that all the staff present in the check post are jointly responsible for the unaccountable cash found if any and etc., facts.

Thus, the GS by his above-mentioned acts, he exhibited lack of integrity, devotion to duty and conduct unbecoming of a member of service by contravened Rule 3(1) (2) & (5) of A.P.C.S (conduct) Rules 1964.

The G.S therefore rendered himself liable for regular Departmental Action.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH ARTICLES OF CHARGES FRAMED AGAINST SRI ANDE SANTHARAM S/O PUNNAIAH, DEPUTY COMMERCIAL TAX OFFICER/ ADMINISTRATIVE OFFICER OF BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGULA, GUNTUR DISTRICT.

1. Mediators' report (Surprise Check Proceedings) in SC.No.05/SC-ACBGNT/2016 of ACB, Guntur, drafted on 03-06-2016 at Commercial Taxes Boarder Check Post, Pondugula, Dachepalli Mandal of Guntur District.
2. Original Personal Cash Register.
3. Letter in RC.No.D2/80/2016 dt. 26.07.2016 of Deputy Commissioner (CT), Guntur-II Division, Guntur.
4. Proceedings in Rc. No. 3/2015/AO/BCP, Pondugala dated 31.05.2016 of Administrative Officer, Boarder Check Post of Commercial Taxes, Pondugala.
5. If any document found necessary they will be produced at the time enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE – IV

LIST OF WITNESSES BY WHOM ARTICLES OF CHARGES FRAMED AGAINST SRI ANDE SANTHARAM S/O PUNNAIAH, DEPUTY COMMERCIAL TAX OFFICER/ ADMINISTRATIVE OFFICER OF BOARDER CHECK POST OF COMMERCIAL TAXES, PONDUGULA, GUNTUR DISTRICT.

1. Sri Thottempudi Venkata Seshaiah, s/o Narasaiah, aged 54 yrs, Deputy Executive Engineer, Housing Corporation, Prathipadu Sub-Division, Guntur district R/o Flat No. 406, Sri Ram Residency, 3rd lane, Syamala Nagar, Guntur. (Mediator -I)
2. Sri Junnuru Babu Rao s/o Venkateswarlu, aged 49 yrs, Asst. Engineer, Housing Corporation, Pedanandipadu, Guntur district R/o 5th line, Hanuman Nagar, AT Agraharam, Guntur. (Mediator-II)
3. Sri Reddimoni Shiva Kumar s/o Mallaiah, aged 26 yrs, Driver of lorry No. AP29 TB 7371, Rangedapalli village, Choutappal Mandal, Nalgonda District.
4. Sri Shaik Saleem s/o Chand Basha, aged 40 yrs, Driver of lorry No. AP.16TV. 6333 R/o Tripuranthapuram kota village, Nagulapuram Mandal, Chittoor District.
5. Sri Sangem Lakshman s/o Sitteyya, aged 19 yrs, Cleaner of lorry No. AP.04X. 2580, R/o D.No. 2-84, Charakonda village, Onguru Mandal, Mahaboob Nagar district.
6. Sri Nenavath Krishna Naik s/o Hemla Naik, aged 33 yrs, Driver of lorry No. TS.07.UB.1476, R/o Savaygudem thanda village, Vanaparthy Mandal, Mahaboob Nagar district.
7. Sri R. Karthav Rayan s/o Ramayya, aged 48 yrs, Driver of lorry No. AP26T.3069, Red Hills, Yedappalayam, 3/ 103, Munthiripalayam, Chennai, Tamilnadu state.
8. Sri Satrasala Sreenu s/o Venkataiah, aged 35 yrs, Driver of lorry AP07TD 9549, R/o Kompalli village, Halia Mandal, Nalgonda district, Telangana State.
9. Sri T. Narasimha Reddy, District Inspector, ACB, Guntur.
10. Sri Ch.D.Santho, Dy. Supdt. Of Police, Anti-Corruption Bureau, Guntur.
11. If any witness found necessary they will be produced at the time enquiry.

Dr.D.SAMBASIVA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

//FORWARDED:: BY ORDER//

SECTION OFFICER